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ACTIVITY REPORT ON THE ADMINISTRATION OF THE

ACCESS TO INFORMATION AND PROTECTION OF PRIVACY (ATIPP) ACT

for the period
April 1, 2006 to March 31, 2007

Yukon
Highways and Public Works

TABLE OF CONTENTS

INTRODUCTION 1
ADMINISTRATION OF THE ATIPP ACT 2
Roles and Responsibilities 2
Training and Resources 2
STATISTICS ON ACCESS TO INFORMATION 4
General Comments on Reporting 4
Requests Received 4
Correction of Personal Information 7
Completed Requests 7
Response Time 8
Access Decisions 9
Why Information was Refused or Partly Granted 10
INFORMATION ON FEES PAID 11
APPENDIX 1: ATIPP Departmental Coordinators Contact List 12

INTRODUCTION

In February 2007, the ATIPP Office, which is a unit in the Department of Highways and Public Works, released its first report on ATIPP activity in the Government of Yukon, for the period April 1, 2005, to March 31, 2006. Feedback from both within and outside the Yukon Government has encouraged us to continue this undertaking. Although publication of this information is not required under the Yukon's *Access to Information and Protection of Privacy (ATIPP) Act*, it is felt that this report reinforces the Government of Yukon's commitment to openness and accountability.

Under the ATIPP Act, there are two primary activities: providing access, with limited exceptions, to records in the custody and/or under the control of the Government of Yukon and protecting personal information held by public bodies as defined by the *Act*.

This report documents activity related to access to information. The numbers reported in this document represent formal ATIPP requests that were received and processed in the ATIPP Office from April 1, 2006, to March 31, 2007, and do not reflect informal requests for information placed by individuals to specific departments during that same period. Members of the public are encouraged to first contact public bodies to obtain records. A list of departmental ATIPP coordinators has been appended to this document. These people can assist the public in identifying and locating government records.

Best practices for the protection of personal information within government, although guided by legislation, are largely driven by government policy. During the year 2006-07, the ATIPP Office started development of a privacy framework and associated tools for use by Yukon government staff. Work on this initiative is anticipated to be completed by spring 2008.

ADMINISTRATION OF THE ATIPP ACT

Roles and Responsibilities

The ATIPP Office provides leadership on access and privacy matters in the Government of Yukon and support to Yukon government public bodies that are subject to the *ATIPP Act*. The staff support ATIPP coordinators across government and provide a range of educational opportunities and resources to develop expertise and understanding of the *Act*. At the same time, the ATIPP Office is directly involved in the administration of the *Act* as it is the point of contact for all individuals placing formal ATIPP requests.

Each department is responsible for managing its information in accordance with the *ATIPP Act*. An ATIPP Coordinator is appointed within each department to respond to and coordinate responses to formal requests for access to information, to assist departmental staff in responding to informal requests, to promote, coordinate and provide access and privacy training to departmental staff, and to develop departmental policy in conjunction with the ATIPP Office. Health and Social Services is the only department with a fulltime ATIPP coordinator.

Training and Resources

The ATIPP Office is responsible for educating and training Yukon Government employees on the administration of the *ATIPP Act*. Half-day sessions are offered to employees who need a broad overview of the basic concepts of access to information and protection of privacy as well as the impact of the *ATIPP Act* on program delivery and administration within the Government of Yukon. Two of these sessions were held between April 2006 and March 2007, with approximately 50 attendees.

An ATIPP module is also offered as part of the Public Service Commission's corporate orientation program for new Yukon government employees. The Records Manager presented at three of these sessions during the same time period.

Customized training sessions are also available to public bodies upon request. During the reporting year, the office provided four focused training sessions to several program areas. In addition, ATIPP Office staff provided one-on-one instruction to several new ATIPP coordinators.

During the reporting period, the Records Manager actively participated in the federal/provincial/territorial (F/P/T) privacy working group of the Public Sector Chief Information Officers' Council. This working group, composed of senior access and privacy managers from most F/P/T governments, is involved in the development of privacy policy, guidelines and tools for public sector agencies. By the year's end, work was completed on an information sharing agreement template for adaptation and use by all jurisdictions.

In May 2006, the ATIPP Office released an article on the internal government website on handling personal information in the workplace. Three internal guidelines, intended to assist ATIPP coordinators in the application of the *Act* and the Access *to Information Regulation*, were also released.

STATISTICS ON ACCESS TO INFORMATION

General Comments on Reporting

The data are drawn directly from the ATIPP Office administrative database. There is no interpretation provided. Where percentages are provided, numbers may not add to 100% due to rounding.

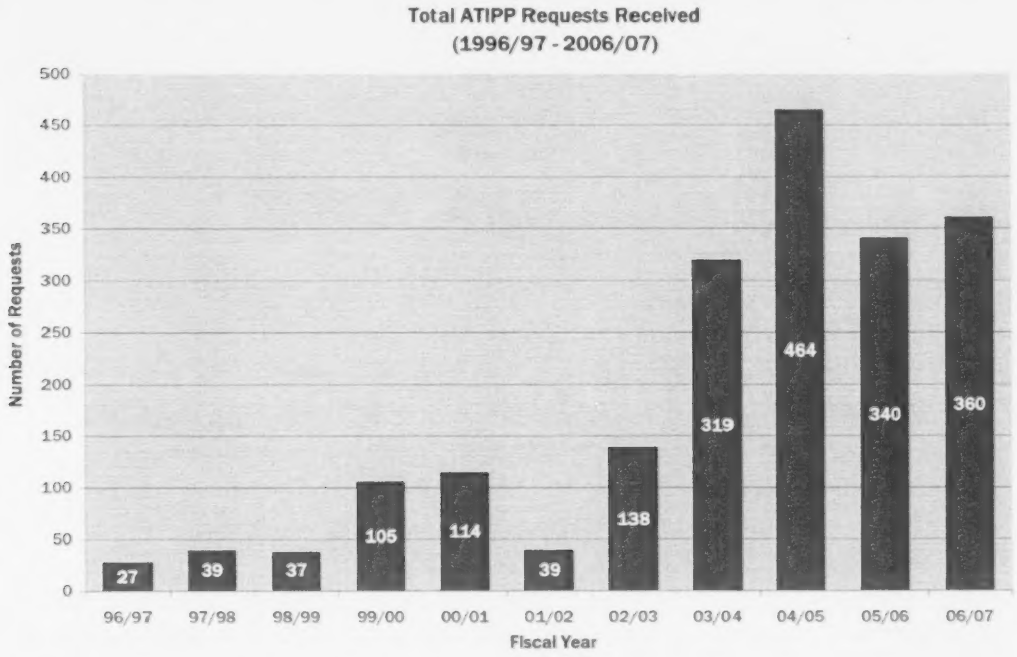
The ATIPP reporting year coincides with the Yukon government's fiscal year. In the 2005/06 statistical report, a total of 174 active requests was shown as carrying forward into the current reporting year. The actual carry forward as of April 1, 2006, was 132 requests. The completion of an improved administrative database in June 2006 led to review and correction of old data and resulted in greater accuracy and this change.

Requests Received

Public bodies often release information to the public informally and are encouraged to do so, while applying the limited exceptions set out in sections 15 to 25 of the *ATIPP Act*. The formal request process is used when information is not available through informal channels or when the public body or the applicant determines it would be preferable to follow the formal process. The formal process does provide applicants with the ability to request a review of an access or procedural decision made by the public body or the Records Manager, as well as providing them with a legislation deadline for completion of the request.

The following graph shows the number of formal requests received and the overall trend since the *Act* came into effect 11 years ago. In the reporting year 2006/07, a total of 360 requests were received by the ATIPP Office. This reflects a 6% increase from the previous reporting year.

This table includes requests for correction of personal information received by the Government of Yukon.



Following is a breakdown of the number of requests received by public bodies for the reporting year 2006/07.

Total Requests Received by Public Bodies

(April 1, 2006 – March 31, 2007)

Total = 360

Public Body	*Number of Requests*	*Percentage of Total Requests*
Community Services	2	0.5%
Economic Development	0	-
Education	67	18.6%
Energy, Mines & Resources	17	4.7%
Environment	7	1.9%
Executive Council Office	2	0.5%
Finance	0	-
Health & Social Services	136	37.8%
Highways & Public Works	5	1.4%
Justice	75	20.8%
Public Service Commission	2	0.5%

Public Body	*Number of Requests*	*Percentage of Total Requests*
Tourism & Culture (Yukon Archives) *	32	8.8%
Women's Directorate	0	-
Yukon Development Corporation	0	-
Yukon Housing Corporation	6	1.6%
Yukon Liquor Corporation	9	2.5%

*** During this reporting period, requests were submitted to Tourism and Culture for records held by Yukon Archives only. There were no requests for program information from other units in this department.**

Following is table showing the number of requests received in the 2006/07 reporting year by type of applicant placing the request. The most frequent applicants were law firms (70.8%) in most cases seeking personal information on behalf of their client. Second were members of the public (12.5%).

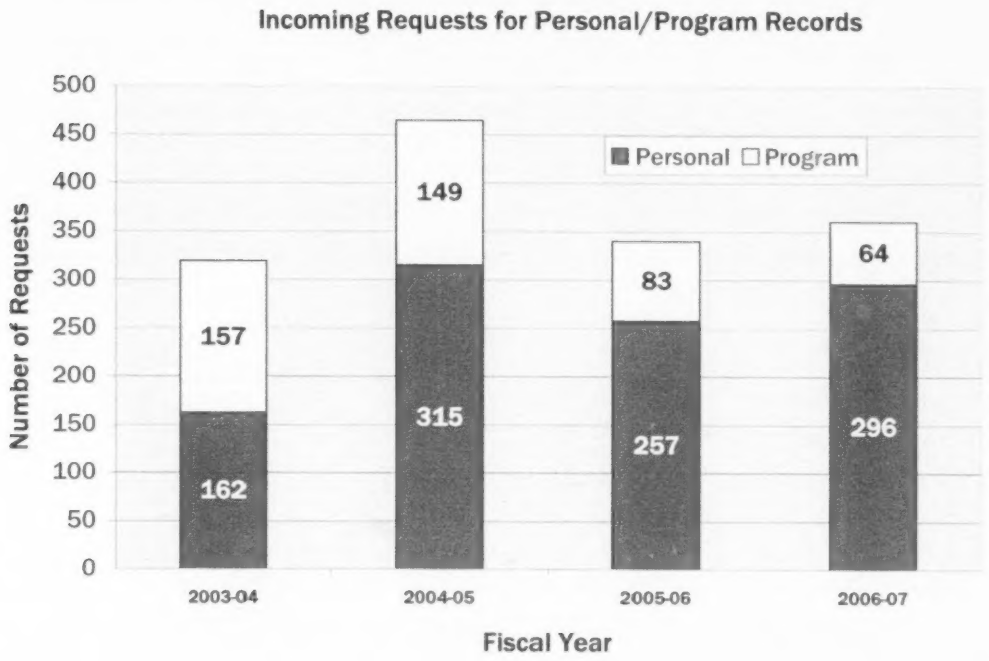
Types of Applicants

for the year 2006/07

Total = 360

Type of Applicant	*Number of Requests*	*Percentage of Total Requests*
Law Firm	255	70.8%
Public	45	12.5%
Media	22	6.1%
Other Government	17	4.7%
Political Party	14	3.8%
Business	7	1.9%
Interest Group	0	-

Of the requests received in the reporting year 2006/07, 296 (82%) were from individuals or their representatives seeking personal information, while requests for program information totaled 64 or 18% of the total. Requests for program information have continuously decreased over the past four years.



Correction of Personal Information

Under s.32 of the *ATIPP Act*, individuals may seek correction of personal information departments by initiating a formal request for correction, if they believe there is an error or omission in their personal information in those records in the custody or under the control of Yukon government. There were no requests for correction of personal information in the reporting year 2006/07.

Completed Requests

Carried forward as of March 31, 2006	132*
New Requests 2006/07	360
Total requests that were open during 2006/07	492
Completed 2006/07	**423**
Carried forward as of March 31, 2007	69

*See section entitled "General Comments on the Presented Data" for explanation of change in total from previous year's reporting (Page 4).

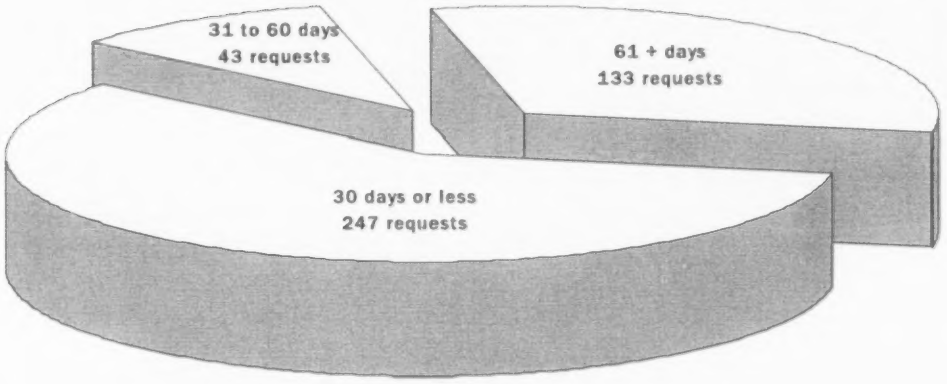
Of the 423 requests that were completed in 2006/07, 312 (73.8%) were requests for personal information and 111 (26.2%) were for program information.

Response Time

Of the 423 requests that were completed in the reporting year 2006–2007,

- 247 (58%) were completed within 30 days,
- 43 (10%) were completed within 31 to 60 days, and
- 133 (32%) were completed in more than 61 days.

Time for Completed Access Requests
2006-2007



The response time for completion of access requests is based on "calendar" days and is counted from the date a request is received in the ATIPP Office until the date a final response is mailed to the applicant. Under s.11, the *Act* requires that the Records Manager must respond no later than 30 calendar days, unless the time limit is extended under s.12. The Records Manager may extend the time limit for a reasonable period of time if the request for extension from the public body meets one or more of the following criteria:

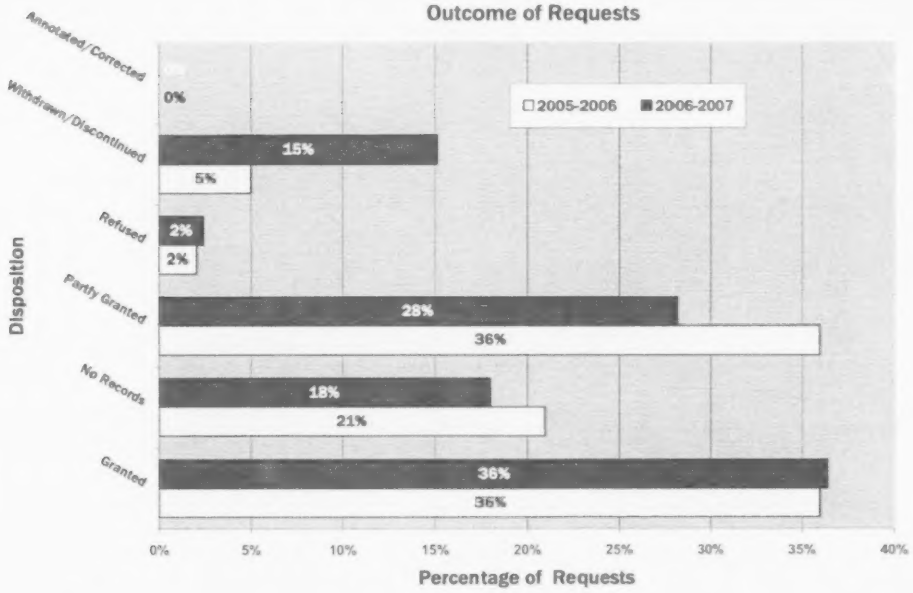
- the applicant has not provided enough detail for the public body to identify the record

- a large number of records is requested and meeting the time limit would unreasonably interfere with the operations of the public body
- the public body needs more time to consult with a third party or another public body before deciding whether to release the record
- a third party asks for a review under s.48.

The calculation of the response time does not distinguish between requests that exceed the 30-day time limit because they are overdue, i.e. the public body has not been able to meet the deadline, and those that exceed 30 days because of other circumstances, such as requests that have been extended under s. 12 of the *ATIPP Act* or those that are on hold pending clarification, authorization of an Estimate of Costs or payment of fees from the applicant.

Access Decisions

Of the 423 requests that were completed in 2006/07, 36% were granted in full. Outcomes remained generally consistent between the two reporting years, as seen in the table below.



Why Information was Refused or Partly Granted

When public bodies sever information from a record or refuse access to a record, they must advise the applicant as to which specific section of the *ATIPP Act* was used in making each decision. Typically this decision is made after a line-by-line analysis of the requested records has been conducted and the severed record is annotated accordingly.

Within a single response, a public body may cite several sections of the *Act* as reasons for refusal of information. The number of times a section is used is not related to the number of requests completed; however, it does provide a clear indication of the reasons for which information is not released.

The following table summarizes the sections of the *Act* that public bodies have cited when records were refused or not completely disclosed.

Reasons for Refusal in Total or in Part
Fiscal Year 2006/07

ATIPP Act Section Number	Exceptions to Disclosures	No. of times where exception was applied
	MANDATORY EXCEPTION	
15	Cabinet confidence	3
24	Disclosure harmful to business interests of a third party	1
25	Disclosure harmful to personal privacy of a third party	346
	DISCRETIONARY EXCEPTION	
16	Policy advice, recommendations, or draft regulations	1
17	Disclosure harmful to the financial of economic interests of a public body	2
18	Legal Advice	14
19	Disclosure harmful to law enforcement	9
20	Disclosure harmful to intergovernmental relations or negotiations	3
21	Disclosure harmful to the conservation of heritage sites, etc.	-
22	Disclosure harmful to the individual or public safety	2
23	Information that will be published or released within 90 days	1
	EXCLUSIONS	
2(1)(d)	Record of an examination or test question	6
4	Other legislation paramount	17
6(2)	Applicant did not provide adequate detail to allow for search	1

INFORMATION ON FEES PAID

The *Access to Information Regulation* lists the services and fees for processing ATIPP requests. The applicant does not pay a fee to submit an ATIPP request. Under the *Regulation*, public bodies must charge fees for access to information if it takes more than three hours for time spent locating, retrieving and preparing records for disclosure, for supervision of an applicant's examination of a record, and for producing a record from a machine readable record. They also charge a per-page fee for copying records.

Before charging a fee for records, public bodies must provide an estimate of costs, to be approved by the applicant. Upon the applicant's request, the Records Manager may waive all or part of the fees if the applicant can substantiate that paying the full fee would cause undue financial hardship.

In 2006-07, a total of $9,322.06 in fees was paid by applicants. The per-page photocopy charge accounted for 57% of the fees received for while the remaining 43% was for staffing costs related to preparing the records for release, in excess of three free hours granted to each requestor. Two applicants were granted a full or partial fee waiver, on the grounds that payment of the fees would have resulted in undue financial hardship.

APPENDIX 1: ATIPP Departmental Coordinators Contact List

as of March 31, 2007

CENTRAL CONTACTS

ATIPP OFFICE (Highways and Public Works) E-mail: atipp@gov.yk.ca			
Records Manager	Judy Pelchat	**PHONE** 667-8211	**FAX** 393-6919
ATIPP Act Coordinator	Cassandra Kelly	**PHONE** 393-7048	**FAX** 393-6919
ATIPP Office Assistant	Judy Carson	**PHONE** 393-7031	**FAX** 393-6919

Justice			
Legislative Counsel (ATIPP)	Sydney Horton	**PHONE** 667-3448	**FAX** 393-6379

Office of the Information and Privacy Commissioner			
Information and Privacy Commissioner (IPC)	Hank Moorlag *	**PHONE** 667-8468	**FAX** 667-8469
Assistant to the IPC	Catherine Buckler	**PHONE** 667-8468	**FAX** 667-8469
Administrative Assistant	Alice Purser	**PHONE** 667-8468	**FAX** 667-8469

*As of May 2007, Mr. Moorlag was replaced by Tracy-Anne McPhee.

DEPARTMENTAL CONTACTS

Community Services / Yukon Housing Corporation / Yukon Liquor Corporation			
Coordinator	Jerry McLachlan	**PHONE** 667-8694	**FAX** 393-6264
Alternate	Brian Currie	**PHONE** 667-8938	**FAX** 393-6264

Economic Development			
Coordinator	Karen Mason	**PHONE** 667-5933	**FAX** 393-7199
Alternate	Vacant	**PHONE**	**FAX**

Education			
Coordinator	James McCullough	**PHONE** 667-8326	**FAX** 667-5876
Alternate	Terry Markley	**PHONE** 667-8181	**FAX** 667-5876

Energy, Mines and Resources			
Coordinator	Anne Powers	**PHONE** 456-3854	**FAX** 456-3965
Alternate	Jenny Whitehouse	**PHONE** 667-3097	**FAX** 456-3965

Environment			
Coordinator	Vicki McCollum	**PHONE** 667-5797	**FAX** 393-7197
Alternate	Melanie Lucas	**PHONE** 667-3029	**FAX** 393-6213

Executive Council Office			
Coordinator	Carolyne Thompson	**PHONE** 393-7173	**FAX** 393-6202
Alternate	Karen Hougen-Bell	**PHONE** 667-8201	**FAX** 393-6202

Finance			
Coordinator	Bill Curtis	**PHONE** 667-5276	**FAX** 393-6217
Alternate	Jennifer Dawson	**PHONE** 667-5343	**FAX** 393-6217

Health & Social Services			
Coordinator	Jennifer Schneider	**PHONE** 667-5919	**FAX** 393-6457
Alternate	Chris Mahar	**PHONE** 667-8309	**FAX** 393-6457

Highways and Public Works			
Coordinator	Carol Currie	**PHONE** 667-5258	**FAX** 393-6245
ATIPP Contact	Sandra Lutner	**PHONE** 667-5192	**FAX** 393-5479

Justice			
Coordinator	Dan Cable	**PHONE** 667-3508	**FAX** 667-5790
ATIPP Contact	Karla TerVoert	**PHONE** 667-3033	**FAX** 667-5790

Public Service Commission			
Coordinator	Barbara Coppard	**PHONE** 393-7138	**FAX** 667-6705
Alternate	Mary Martin	**PHONE** 667-8160	**FAX** 667-6705

Tourism and Culture			
Coordinator	Valerie Neufeld	**PHONE** 393-6460	**FAX** 393-6469
Alternate	Leslie Buchan	**PHONE** 667-5321	**FAX** 393-6253

Yukon Development Corporation			
Coordinator	Vacant	**PHONE**	**FAX**
Alternate	Vacant	**PHONE**	**FAX**

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